

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

RICHARD LEE TABLER,

Petitioner,

V.

BOBBY LUMPKIN,
Director, Correctional Institutions
Division Texas Department of Criminal
Justice,

Respondent.

CIVIL ACTION NO. W-10-CV-034-RP

CAPITAL HABEAS CORPUS

HON. ROBERT PITMAN, U.S.D.J.

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Petitioner/Appellant Richard Lee Tabler hereby appeals to the United States Court of Appeals for the Fifth Circuit from the district court's Order of June 10, 2021 (ECF No. 235), denying and dismissing his petition for a writ of habeas corpus and denying a certificate of appealability on certain claims, and from the district court's Order of January 25, 2022 (ECF No. 254), denying Petitioner/Appellant's timely filed motion to alter or amend judgment pursuant to Fed. R. Civ. P. 59 and to expand the grant of COA, and from each and every adverse ruling that formed the basis of those Orders.¹

¹ This is a death penalty case. No warrant for execution is pending. Undersigned counsel, Peter Walker, from the Federal Community Defender Office for the Eastern District of Pennsylvania, was appointed to represent Mr. Tabler on March 31, 2015. Undersigned counsel, Marcy Widder, was appointed to represent him on May 1, 2012. *See* ECF Nos. 51, 72. The district court granted leave to proceed in forma pauperis. *See* ECF No. 6.

Respectfully submitted,

MARCIA A. WIDDER
GA Bar No. 643407
Attorney at Law
303 Elizabeth Street, NE
Atlanta, GA 30307
(404) 222-9202
marcy.widder@garesource.org

Dated: February 23, 2022

/s/ Peter J. Walker
PETER J. WALKER
TX Bar No. 24075445
SHAWN NOLAN
PA Bar No. 53565
Assistant Federal Defenders
Federal Community Defender for the
Eastern District of Pennsylvania
Suite 545 West, The Curtis Center
601 Walnut Street
Philadelphia, PA 19106
(215) 928-0520
shawn_nolan@fd.org
peter_walker@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on this date, I served the foregoing pleading and its attachments on the following by operation of the electronic case filing system:

Cara Hanna, Esq.
Assistant Attorney General
Office of the Attorney General of Texas
Post Office Box 12548
Austin, Texas 78711-2548

/s/ Peter J. Walker

Peter J. Walker

Dated: February 23, 2022